

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

**SA 4350.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike “a drug” and insert “a covered inpatient drug”.

On page 256, line 24, strike “a patient” and insert “an inpatient”.

On page 260, line 17, after “subsection (a)(4)” insert the following: “that has applied for and enrolled in the program described under this section”.

## NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 16, 2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 352, S. 1660.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Formaldehyde Standards for Composite Wood Products Act”.

### SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

#### “TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

##### “SEC. 601. FORMALDEHYDE STANDARDS.

“(a) DEFINITIONS.—In this section:

“(1) FINISHED GOOD.—

“(A) IN GENERAL.—The term ‘finished good’ means any good or product (other than a panel) containing—

- “(i) hardwood plywood;
- “(ii) particleboard; or
- “(iii) medium-density fiberboard.

“(B) EXCLUSIONS.—The term ‘finished good’ does not include—

- “(i) any component part or other part used in the assembly of a finished good; or
- “(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

- “(I) an antique; or
- “(II) secondhand furniture.

“(2) HARDBOARD.—The term ‘hardboard’ means a composite panel composed of cellulosic fibers manufactured with a wet process using—

- “(A) no resins; or
- “(B) resins that have no added formaldehyde.

“(3) HARDWOOD PLYWOOD.—

“(A) IN GENERAL.—The term ‘hardwood plywood’ means a hardwood or decorative panel that is—

- “(i) intended for interior use; and
- “(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2004 (or a successor standard)) an assembly of layers or plies of veneer, joined by an adhesive with—

- “(I) lumber core;
- “(II) particleboard core;
- “(III) medium-density fiberboard core;
- “(IV) hardboard core; or
- “(V) any other special core or special back material.

“(B) EXCLUSIONS.—The term ‘hardwood plywood’ does not include—

- “(i) military-specified plywood;
- “(ii) curved plywood; or
- “(iii) any other product specified in—

“(I) the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07 (or a successor standard); or

“(II) the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(C) LAMINATED PRODUCTS.—

“(i) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities (including the California Air Resources Board), industry, and other available sources of such information, and analyzes such information to determine, at the discretion of the Administrator, whether the definition of hardwood plywood should exempt any laminated product. The Administrator may also modify any aspect of the definition contained in clause (ii) before including it in such regulations.

“(ii) LAMINATED PRODUCT.—The term ‘laminated product’ means a product—

“(I) in which a wood veneer is affixed to—

- “(aa) a particleboard platform;
- “(bb) a medium-density fiberboard platform;

or

“(cc) a veneer-core platform; and

“(II) that is—

- “(aa) a component part;
- “(bb) used in the construction or assembly of a finished good; and

“(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

“(4) MEDIUM-DENSITY FIBERBOARD.—The term ‘medium-density fiberboard’ means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009 (or a successor standard)).

“(5) NO-ADDED FORMALDEHYDE-BASED RESIN.—

“(A) IN GENERAL.—The term ‘no-added formaldehyde-based resin’ means a resin formulated with no added formaldehyde as part of the resin cross-linking structure that meets the performance standard contained in section 93120.3(c) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘no-added formaldehyde-based resin’ may include any resin made from—

- “(i) soy;
- “(ii) polyvinyl acetate; or
- “(iii) methylene diisocyanate.

“(6) PARTICLEBOARD.—

“(A) IN GENERAL.—The term ‘particleboard’ means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009 (or a successor standard)).

“(B) EXCLUSIONS.—The term ‘particleboard’ does not include any product specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(7) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

“(A) IN GENERAL.—The term ‘ultra low-emitting formaldehyde resin’ means a resin formulated using a process the average formaldehyde emissions of which are consistently below the phase 2 emission standards contained in the airborne toxic control measure for composite wood products described in section 93120.3(d) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘ultra low-emitting formaldehyde resin’ may include—

- “(i) melamine-urea-formaldehyde resin;
- “(ii) phenol formaldehyde resin; and
- “(iii) resorcinol formaldehyde resin.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in an applicable self-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of